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*Sir Adolphe Caron M. P.*

With the Compliments of the PRISONERS' AID ASSOCIATION of Canada.

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## PRISON REFORM.

*The following recommendations from the Report of the Commissioners appointed by the Local Government to enquire into the Prison and Reformatory system of Ontario, are respectfully commended to the favorable consideration of our Legislators. By reference to clauses 16, 28, 29, 30, 31 and 32, it will be seen that full effect can not be given to these proposed reforms without the co-operation of the Dominion Government. We would call special attention to the great need of a Dominion Reformatory for young men—first offenders, as recommended in clauses 28 and 29.*

### RECOMMENDATIONS.

Upon the most careful consideration of the evidence taken in connection with the various subjects referred to them under the terms of the commission, and a searching enquiry into the various systems and methods that obtain in other countries, the Commissioners respectfully submit the following recommendations, in the framing of which they have endeavoured to avoid all unworkable theories and have strictly confined themselves to the most advanced, but at the same time the most practical methods of dealing with vice and crime :

#### JUVENILE CRIMINALITY.

1. That such changes be made in the school laws as are requisite to give full effect to the provisions, which require all children of a proper age to attend school for a reasonable period in each year ; the law in this respect to be rigorously, but, at the same time, judiciously enforced ; so that the at-

tendance at school of all children whom such a law should reach may be secured, and yet no injustice wrought or hardship inflicted.

The rigorous enforcement of such a law is an imperative necessity in laying the foundation of all preventive measures relating to juvenile criminality.

2. That the establishment of one or more day industrial schools in every city and large town be made compulsory; that provision be made in these schools for the control and instruction during the day of disorderly or neglected children belonging to what is generally described as the "Arab Class"; of habitual truants; of those who cannot be controlled by parents or guardians or who otherwise require special supervision and of destitute and forsaken children who may not be proper subjects for constant residence in charitable institutions, but require partial assistance in obtaining proper food and clothing; and for carrying on work of a simple kind for the industrial training of these classes.

3. That cities, towns and villages be empowered to pass by-laws forbidding, as is now done in the county of Waterloo, the running at large of boys and girls in the streets after dark, and to enforce such laws effectively through the agency of the police and truant officers, and that the parents or guardians be held responsible in such cases and after one or more warnings be punished with a fine if they allow their children to remain on the streets after the time appointed, unless there be some good reason therefor, or unless they show that they cannot control their children. That in order to furnish amusement and exercise, chiefly for children of these classes, suitable playgrounds with a gymnasium attached be provided in every city and town, and that an officer be appointed to attend during certain hours of play and exercise, and prevent all disorderly conduct and the use of profane or obscene language.

4. That the inspection and regulation of second-hand stores, pawn-brokers shops and junk shops be made so strict by law as to prevent the purchase of any goods that may be stolen, and that the exposure of goods for sale be so regulated that children shall not be tempted by the opportunities for pilfering which it affords.

5. . . . . That such precautions be taken as will effectually prevent the bringing into this country of children of parents known to be criminal, or of children who have spent their whole lives in an atmosphere of vice and crime; who are so saturated with evil and know so little of good that their reformation, if at all possible, must be a work of much time and of patient, skilful charitable effort.

6. As the hearty co-operation of the charitable and philanthropic is essential to the success of any effort for the prevention of vice and crime, the Commissioners recommend that all practical measures undertaken for that purpose by any association or charitable organization receive the most cordial encouragement and assistance from the municipal and other authorities interested in the saving of children.

7. That no child under the age of fourteen shall be arrested and taken through the public streets as a prisoner when it can possibly be avoided. If the offence committed is of a trivial nature and the policeman knows the child's parents or guardians they shall be summoned to produce the child at such time and at such place as may be directed. If the offence is of a serious nature, and it is necessary to place the child under arrest, he or she should not, if at all possible, be committed or remanded to a common goal, but should be detained in a place provided for the purpose, and entirely separate and away from a police station, and, if practicable, in the house of a police officer or other person who will be responsible for the child's appearance before the magistrate or justice at the time and place appointed. That no child under the age of fourteen be tried in public on any charge, but that the magistrate or justice hold a special session at a convenient time and place for the trial of such offenders, and that none be permitted to be present except the officers of the court, the necessary witnesses, the truant or probation officer, and the parents or guardians of the children to be tried.

8. If a child under fourteen years of age is found guilty of the offence with which he is charged, commitment to a common goal should, under no circumstances be made, nor should the child be committed to a refuge or reformatory until all

other means of correcting or reclaiming such child have been tried. In the cases of children convicted of first offences of a trivial nature, full authority should be conferred on magistrates and justices to discharge with an admonition, particularly if parents or guardians will undertake a more careful supervision of them. The system of suspended sentence, under the surveillance of the police should also be more availed of, unless the environments and general surroundings of the children are extremely bad. Above all, it is urgently recommended that a law be enacted giving full effect to the Probation System, as now in operation in the State of Massachusetts and other States, with such modifications as the circumstances of this Province and the ideas and habits of its people may render desirable. The truant officers referred to in the first recommendation to act, as far as possible, as probation officers in respect of this class of juvenile offenders.

9. That the immediate erection of industrial schools, sufficient for the accommodation of all children whom it may be found necessary to place in such institutions, be provided for and that in any district in which there is no large city and the erection and support of such a school would be too great a burden on one county, certain counties, having geographical proximity, be grouped together for the purpose of founding and maintaining an industrial school for all the municipalities within such group : . . . . . that the means of giving a good technological training to such boys as will not adopt farm life be furnished ; that the literary and the moral and religious instruction of the boys and girls detained in such schools be carefully attended to ; that the boys and girls be detained in industrial schools only so long as may be absolutely necessary to render them fit to be placed in a private family, either as apprentices or boarders. That those who are not thoroughly vicious should be so placed out, even before they have received such literary instruction as is absolutely necessary for their future well being, provision being made for their attending school when placed out. That a vigilant and kindly supervision of the children so placed out be constantly maintained, and that the managers of the school, with the approval of the proper provincial officer, may recall



any child so placed out, or remove him or her from one family to another.

10. That in addition to any provincial grant to aid in the acquisition of land and the erection of buildings for such industrial schools, the provisions of the Charity Aid Act in respect to the maintenance of refuges be made applicable to industrial schools.

11. That the Reformatory for boys be removed as soon as practicable to a more suitable locality where the cottage system, a proper classification of the boys, a thorough system of industrial training, the mark system and other approved reformatory methods can be introduced, and that when this has been done, moral restraints be entirely substituted for those material restraints which still do so much to make the atmosphere of the reformatory that of a prison. That a larger number of the boys be employed in practical farming and garden work, and that means of giving a thorough technological training be at once provided. Such a school to be of real value should be a hive of active, earnest, unremitting industry, in which every boy should learn how to do as much work as is expected of any boy of his age on any farm or in any factory or workshop, and to do it at least as well. That the laws be so amended also, that all boys shall be sent to the reformatory under what is known as the indeterminate sentence, and every boy be enabled to earn a remission of a portion of the extreme penalty attached to the offence which he has committed, by his industry, his diligence and general good conduct, whether under a mark system, or such a system as that of Lansing, Mich.; that when the superintendent, chaplain, schoolmaster, and farm or trade instructor report, that a boy has earned such remission, and is entitled to it by reason of the proofs he has given of being really reformed, the Attorney-General of the Province, or some one acting on his behalf, should be empowered to remit the remainder of the penalty, or to allow that boy to go out on license or parole, subject to being arrested and taken back to the reformatory if he violate any of the conditions of his parole.

12. That the refuge for girls be entirely separate from the Mercer Reformatory, and that an institution which may

serve as a reformatory for girls of less than fifteen years of age who have entered upon a dissolute career or who have committed serious offences, be established in a suitable locality ; that a quantity of good land be attached to it so that the girls may be taught farm and dairy work and all kinds of house work. And that one or more industrial schools be established in suitable positions to which girls who commit petty offences, girls who are homeless or destitute, and girls who because of the misconduct of their parents are in danger of falling into criminal ways, may be sent.

13. That all children sent to industrial schools who have for a second time been convicted of an offence, or who have been sent to such school because through the neglect and bad example of dissolute, vicious or criminal parents, or through vicious training and evil associations they are in danger, if not rescued, of becoming criminals ; and also all children who are committed to the reformatory for boys or refuge for girls shall be regarded and treated as wards of the Province and shall be absolutely under the control and care of the managers of such industrial school, or such boys' reformatory, or girls' refuge—subject in certain cases to the authority of such provincial officer—until they attain their majority, or until at any time previous to attaining their majority the managers of such institutions and such provincial officer are satisfied that they can be trusted to take care of themselves.

14. That, when the system of indeterminate sentence has been adopted and inmates of reformatories for juveniles and of industrial schools can, by good conduct and by giving evidence of reformation, earn a remission of part of their sentence ; and when provision has been made for committing to industrial schools, the refuge for girls or the boys' reformatory, juveniles who are in danger of falling into criminal habits or who have committed small offences, every means of testing the moral strength of those supposed to be reformed and of increasing that strength should be employed by the adoption of the parole system, apprenticeship and boarding out in families.

15. While no boy or girl should be retained in an industrial school, reformatory or refuge any longer than is necessary for

complete reformation, it is equally, or perhaps, more important that none should be allowed to leave these institutions unless to return to a good home or until such employment has been provided on a farm or elsewhere as will afford the boy or girl a fair opportunity of earning a respectable living and leading a moral life. To this end, and in order that supervision and care may be judiciously exercised over discharged, paroled, or apprenticed children, it is of the utmost importance that an association shall be formed having local boards in every important centre of the Province, who shall take upon themselves the important but delicate duty of looking after and caring for these children. The actual expenses connected with the settlement of the children should be defrayed by the Province.

16. That such changes be made in the Dominion laws as may be found necessary to confer on the Provincial governments and its officers all requisite authority to pardon, parole, apprentice, board out and generally deal with and exercise control over all children and youths sentenced or committed to or placed in the reformatory for boys, the refuge or reformatory for girls and the industrial schools of the Province, whether such boys and girls have been sentenced or committed to or placed in such institutions under the provisions of Dominion or Provincial laws.

#### DRUNKARDS.

18. The Commissioners recommend that the Government, out of the funds derived from the fees for Provincial licenses (which might be temporarily increased for that purpose), shall erect in the centres of population one or more industrial reformatories for inebriates. Every such reformatory should be near a city, and should have attached to it a sufficient area of good land for the employment of the inmates in farming and market gardening : it should also be furnished with means for employing the inmates in suitable industrial occupations. . .

19. That to this reformatory be committed all habitual drunkards, that is to say, all who have been previously convicted of drunkenness three times within two years : such



other persons addicted to the use of strong drink as in the opinion of the county Judge may be reclaimed by timely restraint and judicious treatment: and those who may be compulsorily committed to an inebriate asylum under the provisions of the Inebriate Asylum Act. The first committal to this reformatory should be for a period not shorter than six months; the second for not less than one year, and the third for two years, less one day. That any inmate whose term of imprisonment exceeds six months, may, after he has been detained for six months or more, be permitted to return home on parole if he has given satisfactory evidence of a sincere desire to live soberly and of strength of mind sufficient to enable him to keep his good resolution—such license to be granted on the recommendation of the Superintendent, endorsed by the Inspector of Prisons, and approved by the Provincial Secretary: such license to be revoked if the conditions on which it is granted be not observed.

20. That if the families of any inmates of a reformatory for inebriates be wholly dependent on them for support, a portion of the proceeds of the earnings of such inmates be paid to their families; also that a portion of the net earnings of the inmates, after defraying cost of maintenance, shall be set apart to form a fund, out of which those whose general conduct has been good and who give evidence of being reformed, shall be assisted in their efforts to earn a living for a time after leaving the reformatory.

21. That if after a third commitment to an Industrial Reformatory for inebriates, a drunkard again be convicted of drunkenness, he shall then be sentenced to the Central Prison for the full period authorized by law.

#### TRAMPS AND VAGRANTS.

22. That in the case of every tramp and vagrant sentenced to imprisonment in a common gaol, hard labor shall form part of the sentence, and in order to provide the means of rigidly enforcing such sentence, it shall be compulsory on county councils to provide in every common gaol a sufficient quantity of stone to be broken; or to provide some other work to be

approved of by the Inspector of Prisons ; and it shall be the duty of the gaol officials to see that every professional tramp or vagrant that is committed shall do a full day's labour, unless the gaol surgeon certifies that he is physically unable to do such work.

23. That after a second conviction and commitment to a common gaol of a tramp or vagrant, he shall, if certified to be able to do hard labor, be sentenced to the Central Prison for progressive periods commencing with not less than six months, to be increased upon a further conviction to the full period authorized by law.

#### HOMELESS AND DESTITUTE PRISONERS.

24. It is urgently recommended that, in order to abolish completely the inhuman system of committing homeless and destitute men, women and children to common gaols, many of whom are from old age or physical incapacity unable to earn a living, the establishment of a poor house be made compulsory (instead of permissive as at present) on every county in the Province ; or where the population and requirements of a county in respect of its poor do not seem to warrant such an expenditure, that two or more counties be grouped for that purpose ; every poor house to have attached to it a sufficient quantity of land to furnish employment for the inmates.

25. That it shall be unlawful when a poor house is established in a county, or group of counties, for a magistrate or justice to commit to a common gaol as a vagrant any homeless and destitute person who seems to be physically incapable of working, unless such person has committed some offence.

#### INSANE PRISONERS.

26. That the admission of lunatics to the asylums for the insane should, when at all possible, be effected by direct removal to an asylum on the certificate of physicians ; that no lunatic be sent to a common gaol unless in case of absolute necessity ; that whatever is possible be done to ensure that application for admission to an asylum be made in the case of every lunatic as soon as insanity has been fully developed and

while yet the person afflicted may be amenable to asylum treatment.

27. That when it becomes necessary to commit a lunatic to gaol, and it is found that the person is of unsound mind but not a fit subject for a lunatic asylum because incurable, or imbecile and harmless, the examining authorities enquire fully into all the circumstances of the case and determine whether the insane person may with safety be entrusted to the care of his family, and that if they so find, the family shall be required immediately to take charge of such insane person, unless it be shown that they are unable to furnish proper maintenance and care for the insane person, in which case the examining authorities shall enquire and ascertain whether the insane person can be properly cared for in a poor house, and if they so determine, the insane person shall forthwith be removed thereto.

#### YOUNG CRIMINALS—FIRST OFFENDERS.

28. With a view to overcoming the evil, and in many cases fatal, results of associating young men, who have been convicted of a first felony or serious misdemeanor, with the most depraved and hardened criminals in the Central Prison, Kingston Penitentiary, and the other penitentiaries of the Dominion, *it is urgently recommended that the strongest pressure be brought to bear on the Dominion Government by the Government and Legislative Assembly of the Province, as well as by all societies and individuals interested in the reformation of criminals, for the establishment of an industrial reformatory for this class, which institution shall incorporate in its methods of treatment all the best features of the Elmira system, and the systems in operation in the other establishments of a similar kind in the United States.*

29. That to this reformatory be committed all young men, between the ages of seventeen and thirty, who have been convicted for the first time of a felony or serious misdemeanor, and who in the opinion of the judges imposing sentence are proper cases for reformatory treatment: all prisoners sent to this Reformatory to be committed for an indeterminate period.

## SENTENCES.

30. The Commissioners recommend that the sentences passed on all juvenile offenders sent to reformatories or industrial schools be indeterminate, and that the Attorney-General of the Province, or some one duly authorized to act in his behalf, be empowered to liberate such juvenile offenders unconditionally or conditionally and on parole as may seem best calculated to promote the welfare of the offenders and the interests of the state.

31. That the sentences of those committed to the proposed reformatory for young men be in all cases indeterminate with a maximum limit, and that commissioners or others be empowered to make regulations for the management of the reformatory, to establish a system of grades and marks, or such other means of stimulating the inmates to habits of order and industry and promoting their reformation as they may deem best: to liberate on parole such of the inmates as by their attention to work, diligence in study, observance of the rules, earnest efforts to reform and general good conduct, have proved that they will do their duty faithfully in any position in which they may be placed: and to discharge unconditionally those who having been paroled behave well for any appointed time.

32. Sentences should, as far as possible, be progressive or cumulative. The Bertillon system or some other effective method should be employed to establish the identity of criminals who have been previously convicted of serious offences. The identification of those guilty of minor offences is also important. The criminal and the offender should know that the penalty for a second offence will certainly be greater than that imposed for the first, and the penalty for a third certainly greater than that imposed for the second, and that the penalty will increase in severity as the crimes or offences increase in number.

## GOOD TIME SYSTEM.

33. It may be inexpedient to introduce the indeterminate sentence system in the Central Prison or the Mercer Reform-

atory, because so many of the prisoners in these institutions are sentenced for short terms, but the Commissioners see no reason why what is called the "good time," system may not at once be established in both. If the prisoners knew that by observance of the rules, diligence at work and general good conduct they could earn a certain number of good marks every day and thus earn a remission of some portion of their sentence, they would certainly become better prisoners, and probably become more amenable to all good influences.

#### LOCK-UPS AND POLICE STATIONS.

34. That full effect be given to the provision in the Prison and Asylum Inspection Act requiring the inspector of prisons to make, at least, one inspection a year of all the lock-ups in the province, and to report upon their condition and management in the same manner as is done with the common gaols; and that that official also have the same authority vested in him in respect to the construction and alteration of lock-ups as well as in respect to the means of removing prisoners from the lock-ups to gaols as he now has under the Inspection Act, in respect of common gaols.

35. That structural provision be made in every lock-up for the complete isolation of the sexes in separate and distinct wards; that there shall also be the means of making a complete separation of prostitutes from other female prisoners, and that the separation of these classes of prisoners shall also be effected and carried out in taking them to and from court, and in their subsequent transfer to the common gaol.

36. That in every lock-up to which female prisoners are committed there shall be a police matron who shall have entire charge of the female prisoners in the lock-up, and who shall also be present at their removal to court and transfer to goal.

#### COMMON GAOLS.

38. It is claimed that when the common gaols are used only as places of detention for prisoners waiting trial, and of confinement for the short term prisoners, they should be conducted strictly on the separate or cellular system. The Com-



missioners have little doubt that if a proper system of cellular seclusion could be structurally provided, and when provided, effectually carried out, it would be greatly superior to the present system of day association in corridors.

They earnestly recommend that when a new gaol is built or the complete interior reconstruction of an old gaol is found necessary, the separate or cellular system now in operation in the English local prisons be adopted : and that whatever can be done in any gaol, without great expense, to provide for even a partial adoption of the cellular system, or a more satisfactory classification of prisoners (the proposed reduction in the number of prisoners being taken into account), should be done as soon as possible.

#### PRISON LABOUR.

42. It is recommended that in all prisons and reformatories entirely under the supervision and direction of the Provincial Government, the labor of the prisoners and inmates shall be conducted on what may be termed the Provincial Account System ; that is, that the Province shall supply all the machinery, plant and fixtures necessary for carrying on industrial operations ; that it shall purchase all the raw material and shall, under the direction and control of its officers, instructors and servants, use the labor of the prisoners and inmates in the manufacture and production of such articles and goods as may be best suited for the employment of such labor and for the best interests of the respective institutions and their inmates.

43. That is the selection of prison or reformatory industries, next to such branches of work as will best afford the means of giving good technical instruction to the prisoners, which should always receive the first consideration, preference should be given to the manufacture and production to the largest possible extent, of all goods required for every branch of the public service, including asylums, prisons, county gaols, government offices, etc., and also for hospitals, charities, and other institutions aided by government grants.

45. That with respect to the youths committed to the Boys' Reformatory at Penetanguishene and to the Industrial schools, although a great deal of the time of the inmates must be taken up in ordinary schooling, the inculcation of industrious habits is of the very first importance. The Commissioners are of the opinion that the managers of these institutions should endeavor by every means in their power to induce the large majority of the inmates to adopt the occupation of farming. If there is anything to fear from hereditary tendencies in the youths of the class sent to reformatories, no better foil to them could be found than the honest work and quiet and contentment of farm life. For boys drawn from urban quarters, who will not take to farming but desire to learn a trade, thorough and effective instruction, technical and practical, in a few branches, such as carpentering, shoe-making and tailoring should be provided. The young girls in the Refuge should be thoroughly instructed in cooking, laundry work, general house work and plain sewing, so as to fit them for domestic service.

46. The commissioners were convinced by all that they saw in their visits to several penal and reformatory institutions in this Province and in the United States, that it is absolutely essential to the successful working of any system of management that competent, zealous men, capable of commanding the respect and gaining the sympathy of those intrusted to their care, should be employed in every branch of the service. In several of the United States, if not in all, this work is done by a local board of commissioners, directors or managers who, acting independently of or in subordination to a State board, make all the rules and regulations, authorize the most important executive acts of the warden or superintendent, and themselves do much work of importance directly at their meetings.

But whatever be the system of inspection and supervision, it must always be of the utmost importance that the best man be chosen for the position of warden or superintendent of prison or reformatory, and that his assistants be disposed to take an intelligent interest in their work and act thoroughly in accord and sympathy with their superior.

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Communications on the subject of Prison Reform should be directed to Dr. A. M. Rosebrugh, Cor. Secretary Prisoners' Aid Association, 131 Church Street, Toronto.

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